

Program(s) Affected: National School Lunch Program (NSLP) and School Breakfast Program (SBP)

Title of Rule: National School Lunch Program: Direct Certification Continuous Improvement Plans Required by the Healthy, Hunger-Free Kids Act of 2010

Stage of Rulemaking: Proposed Rule was published January 31, 2012

Is the Rule Currently Open for Public Comment? No. The Comment Period ended April 2, 2012

Rule Summary: This rule proposes to amend the NSLP regulations to codify provisions of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) that are designed to encourage States to improve direct certification efforts with the Supplemental Nutrition Assistance Program (SNAP). For this purpose, direct certification means determining a child is eligible for free school meals based on documentation obtained directly from the SNAP agency, without requiring the household to apply. Usually this is accomplished through an automated data matching process.

The proposed rule includes the HHFKA provision that States must meet the following benchmarks each school year in directly certifying children for free school meals when they are members of households receiving SNAP benefits:

- 80 percent of SNAP school aged children for school year 2011–2012;
- 90 percent for school year 2012–2013; and
- 95 percent for school year 2013–2014 and for each school year thereafter

Additionally, for each school year beginning with 2011–2012, States that do not meet the benchmark will have to develop and implement continuous improvement plans to work toward meeting the required rates in the following years.

This rule also proposes to amend NSLP and SNAP regulations to provide for the collection of data elements needed to compute each State's direct certification performance rate to compare with the new benchmarks.